

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Criminal No. 15 Cr 10146-8 FDS

UNITED STATES OF AMERICA

V.

DESMOND PERSON

**MOTION FOR A PRE-PLEA PSR**

Now comes Raymond A. O'Hara, counsel for the defendant, and moves that this Honorable Court request that the United States Probation Office conduct a pre-plea Pre Sentence Report detailing the defendant's criminal history background only.

As grounds for this motion counsel for the defendant states that Mr. Person, who is 42 years old, has a lengthy record. Counsel has reviewed discovery in this matter, including a print-out of the defendant's criminal record. It is anticipated that the defendant will shortly tender a plea in this matter. However, the record reveals prior Massachusetts state court convictions for assaultive behavior and narcotics distribution that could trigger sentence enhancements.

It is not clear whether those convictions fall within the 15 year "look back" period for purposes of a Career Offender designation, or whether certain prior convictions on Mr. Person's still qualify as Career Offender predicates, in light of the recent Supreme Court decision in *U.S. v. Johnson* 576 U.S. \_\_\_\_ (2105).

The defendant has discussed the issues with undersigned counsel and would like a measure of clarification on the potential effect of his prior convictions on his possible sentence before he tenders his plea.

WHEREFORE, counsel respectfully requests that the Probation Department of this Court prepare a pre-plea PreSentence Report that will investigate and interpret the record of Mr. Person's prior convictions and how those convictions might impact sentencing enhancements in this matter.

Date: 4/22/16

Respectfully submitted,  
Desmond Person  
By his attorney,

/s/ Raymond A. O'Hara  
Raymond A. O'Hara  
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Worcester, MA 01608  
508 831-7551  
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#### CERTIFICATE OF SERVICE

I, Raymond A. O'Hara, counsel of record for the defendant Desmond Person, hereby certify that I served notice of the above Motion to all counsel of record by filing same electronically by way of the Court's ECF system.

Date: 4/22/16

/s/ Raymond A. O'Hara  
**Raymond A. O'Hara**